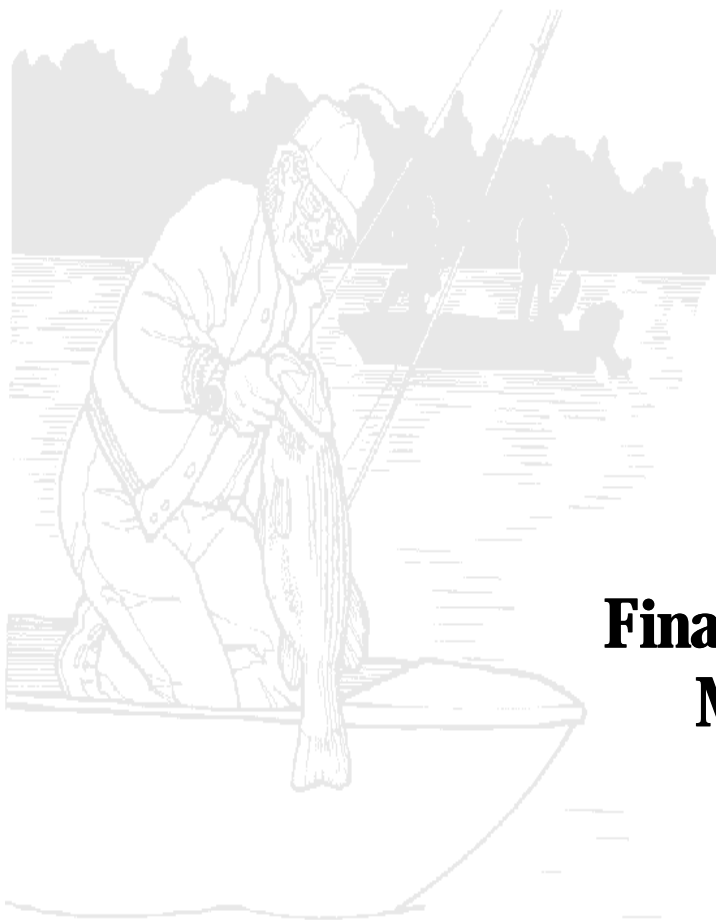


Summary of Public Testimony Given at Lakes Management Work Group Meetings



**Appendix B of the
Final Report of the Indiana Lakes
Management Work Group**

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Final Report of the Indiana Lakes Management Work Group**

This appendix contains a record of any public testimony that was given at the 24 meetings of the Indiana Lakes Management Work Group. Over the course of these meetings, the Work Group developed recommendations that are contained in the Final Report. However, the recommendation numbers that appear in Appendix B do not correspond to the numbers of the recommendations in the Final Report (after recommendations were finalized, they were re-ordered by topic, and re-numbered).

The Reference Key (page i) is provided for use when cross-referencing between Appendix B and the final recommendations. “Old numbers” are used in Appendix B, and “new numbers” are used in the final report’s section of final approved recommendations.

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Meeting 1, November 13, 1997

A handful of people from the public and from several state agencies introduced themselves and made brief comments about their interest in the Work Group's activities.

Mike Clapp (Steuben County) - interested in boating, effects of agriculture and sewage.

Miriam Dant (Baker and Daniels) - interested in legal aspects of lake issues.

Greta Hawvermale (Keramida Environmental, Inc.) - lakes are an emerging issue.

Lori Kaplan (IDNR Deputy Director) - welcome to all the members.

Harry Nikides (IDNR Division of Soil Conservation) - welcome.

Christa Jones (IN Association of SWCDs) - protect water resources.

Mike Neyer (IDNR Division of Water) - programs for water resources.

Meeting 2, December 18, 1997

There was no public testimony given at this meeting.

Meeting 3, January 9, 1998

There was no public testimony given at this meeting.

Meeting 4, February 6, 1998

There was no public testimony given at this meeting.

Meeting 5, March 26, 1998

There was no public testimony given at this meeting.

Meeting 6, April 16, 1998

Arnold and Mary Patten (Barbee Chain of Lakes) - asked how any of the current laws (let alone any new ones) can be enforced, given that there are so many laws and so few officers. Senator Meeks responded that at the 1996 meeting in Angola, it was determined that we don't need any more laws, but that we need to enforce what we have and possibly revise some of them to improve things. He stated that the Work Group is not reinventing the wheel. Representative Kruse said that the Work Group wants to develop a resource book of useful information that is readily available to those who need it.

Mr. Earl Riggs (Indiana Lakes Management Society and Lake Task Force for Lake Monroe) - said that the Work Group is headed in the right direction but is simply identifying problems. He

said a management committee should be established that will determine how to implement the solutions. Tom McComish responded that finding solutions is a big part of what the Work Group will do; the group will make recommendations and will keep in mind the vision of improved lakes. We won't be able to accomplish everything by 1999, but will need cooperation of everyone if we are to get the support and funding needed for real progress. Mr. Riggs said Lake Monroe has 3 major counties and more than 30 jurisdictional bodies that have interests; they need a coordinated effort to implement the solutions. Bob Madden said the Work Group will be looking at ways to streamline the process. David Herbst responded that the Work Group may recommend the consolidation of agencies for lakes management, and Senator Meeks said that the group is indeed willing to look at this issue. Mr. Riggs said we should look at the literature and see what has worked in other states.

Mr. David Culp (Lake Wawasee) - said he appreciated the opportunity to voice his concerns. He had four points to help the efficiency of lake ecology, recreation, and law enforcement: 1) In various places, Indiana law speaks of impacts "200 feet from the shoreline." We need to protect wetlands, not just shoreline. Protection should be expanded to include 200 feet from wetland edge. 2) Why are bass fishing contests prohibited in reservoirs? Reservoirs are almost equal in total acreage to lakes, and we could double the availability of these contests. Indiana taxpayers are being denied usage. 3) Suggested that lakes larger than 300 acres have a home rule, where they can adopt usage rules for themselves with veto power held in the DNR. The DNR cannot manage all Indiana lakes from Indianapolis. Some lakes have too many boats; Lake Wawasee has 5,500 resident boats (Eisenhower invaded France with an armada of 5,200 boats!). Each lake should be able to manage itself. 4) Who enforces the laws on a given lake, and how many people are allocated to each area?

Steve Cox responded to the 2nd issue saying that the rules on reservoirs should be reviewed. Lt. Ralph Taylor said one of the differences between reservoirs and lakes is ownership. Jed Pearson said the DNR Division of Parks and Reservoirs has looked into it and is continuing to work on it at this time. It may require more public input to get it changed. Hopefully, resolution will come soon. He said the Work Group will further explore this issue.

Lt. Taylor responded to the 4th issue saying that nothing in the law says certain people enforce lake laws—it is up to law enforcement in general. Enforcement of lake laws is a primary concern of conservation officers, but county sheriffs, state police, and other officers may patrol lakes as well. Dale Pershing said this Work Group can make recommendations regarding law enforcement, and that the public can give input through D.J. Case & Associates.

Mark GiaQuinta said he represents Mr. Culp's district on the Work Group. He said he appreciated Mr. Culp's candor and eloquence, and would welcome the chance to talk more with Mr. Culp about these issues.

Mr. Carl Bower (Valparaiso Conservancy District) - said they have failing septic systems, and the lake is the primary source of drinking water. The problem is finding funding to repair or replace the septic systems. Jan Henley responded that this is a large problem in Indiana. Most homeowners on lakes have septic systems, and centralizing the sewer system will be costly. He said the days of grants for this work are gone, but the state revolving fund (SRF) is available to provide low-interest loans. He said his office has more information on the SRF for anyone who is interested. Jim Ray had information on SRF on hand, and gave it to Mr. Bower. Senator Meeks said another option is reverse mortgages, wherein a line of credit is obtained from a bank. The public has not been informed well enough regarding property value, septic systems, etc.

Ms. Marge Graf (Fish Lake resident) - stated that the Conservancy Act should be reviewed, as it is not democratic. In a community of 1,000 people or fewer, only 300 people rule. These 300 can use everyone else's tax dollars, but the others have no rights. Lori Kaplan responded that this Act is administered by the Division of Water, and that they have staff who aid the conservancy districts; however, local courts determine legal issues. Bob Madden said looking into this Act may not be in the realm of this Work Group. Ms. Graf ended with a request that the Work Group look into this problem.

Mr. Bob Myers (Wawassee Conservancy Foundation) - said they have conducted a biomonitoring study and put in filter strips with funding from the state. He does water monitoring for IU, and in 1991 the water clarity was 10 to 12 feet; in 1997 it was only 5 feet. They have a data bank on water quality information. Zebra mussels are a concern. They need a lot more information on lakes across the state, but he stressed that you can get a lot done when people work together in a cooperative manner.

Ms. Mary Patten (Barbee Chain of Lakes) - said the meeting in Angola was excellent and attendance was great. She is disappointed in tonight's attendance; there should be more advertisement. Senator Meeks responded that the news release was distributed to every media outlet in northern Indiana, and that he has no control over whether or not the media use it. Representative Leuck said it was aired on several radio and television stations in the northwest Indiana area.

Mr. Joe Roach (Schaefer and Freeman Lakes) - encouraged the Work Group to break the mold; to discover and create new paradigms; to use a whole watershed approach. He suggested taking drainage out of the hands of drainage commissions and considering a team approach or other options that might reduce the lag time of the permitting process. Lori Kaplan responded that the DNR sends the permit applications out to all reviewing agencies at the same time. Some delays occur because the applicants have not given all the necessary information. People can now apply over the Internet, and the application cannot be sent until all the information has been filled out.

Lt. Taylor asked people to remember that just because the Work Group has formed 3 specific Subgroups, this does not mean that other issues won't be discussed and addressed. There are many issues that are addressed within each Subgroup.

Meeting 7, May 14, 1998

Public input received prior to the meeting was reported and discussed.

David Culp (Lake Wawasee) and Bob Myers (Wawasee Area Conservancy Foundation) called DJCA prior to the meeting to say they appreciated the meeting announcement they received in the mail, but that they could not attend.

Nancy O'Brien (Valparaiso) had phoned DJCA to say she was very disappointed that she had received the 5-14 meeting announcement on 5-11, which was not nearly enough time for her to make arrangements to attend. She also expressed disappointment that her county (Porter) had "no representative" on the Work Group. DJCA assured her that Porter County and every other Indiana county was represented on the Work Group by the members who represented the 10 Congressional Districts. DJCA agreed to have her representative (Richard Kitchell) contact her so she could discuss her issues and concerns.

Paul Hollabaugh (Secretary and Conservation Director of the Indiana Bass Chapter Federation) had sent a letter to Dave Herbst. The letter asked the DNR to consider opening the eight reservoirs currently closed to summer bass tournaments, and also suggested a plan by which to accomplish this. Attached to the letter were four pages, "Title 310 Department of Natural Resources Digest." It was clarified that all Indiana reservoirs are open for tournaments except during three months of summer, and that Monroe Reservoir is the exception—it is open year-round for bass tournaments. It was decided that the Subgroup on recreation would look into this issue and make recommendations to the whole group.

Meeting 8, June 11, 1998

During the working session of the meeting, Senator Meeks asked public attendees to introduce themselves and state their comments only if they could not attend the evening public input session. Public attendees and their concerns follow.

Russ & Bonnie Roebel (Fish Lake) - B&B Sanitation has illegally tapped into their sewage system.

Louis Lash (Noble Co.) - wondered why there were no farmers represented on the Work Group. Senator Meeks said that Senate Enrolled Act No. 75 states that one representative of an agricultural organization is to be appointed by the governor to serve on the Work Group. He said there are actually several members who represent farming interests—Gary Tom, Soil and Water Conservation Districts (farmer/teacher); Bob White, Farm Bureau; and Representative Claire

Leuck is a farmer. Mr. Lash said he was still concerned that none of these members was present at this meeting.

Kathy Kurtz (Lake George) - they recently completed a sewer project and could not have done it without the DNR's assistance. Of the 33 agencies they worked with, they were most pleased with the DNR, which never failed to respond to their contacts. They hope DNR salaries are increased.

Dick and Margaret Smith (Silver Lake) - concerned about wastewater; lack of results at IDEM's wastewater treatment plants; need for controls on septic systems.

Senator Meeks asked the Biology, Chemistry, and Shorelands Subgroup to consider a couple of issues—funneling and the sanitation company's illegal use of septic systems.

The following input was received at the evening, public input session.

Corky Van (Lake James) - said funneling is a problem. Groups are putting in extended docks and taking the use of the water away from others. Either funneling should be prohibited or those doing it should be taxed. Senator Meeks said one or two of the Subgroups will be dealing with this issue, and this summer the Natural Resources Legislative Study Committee will be looking into funneling also.

Louis Lash (Noble Co.) - said he is concerned with land use management in watersheds. He also wants farmers to be represented on the Work Group. Senator Meeks assured him that the Work Group does have members who represent farmers, but that apparently none of them was able to attend this particular meeting.

Kathy Kurtz said she was at the Angola meeting in August 1996, and she wanted to know if the DNR salary issue was being addressed by this group. Senator Meeks replied that the salary issue is not a part of this group's charge, and that it needs to come from the DNR itself. She also stated her concern that the interest rate for the State Revolving Fund (SRF) has been raised from 2 % to 3.9%, and that this deters people from using it. Jan Henley said the SRF now includes water systems as well as wastewater systems. He said the rates are fixed by a formula that is tied to federal dollars; it is based somewhat on population, so Michigan gets more money than Indiana because it has more people. Indiana's money doesn't go to other states.

Steve Fribley (Crooked Lake) - had concerns with high speed limits that are inappropriate in small lakes and in lakes with certain configurations. He also said we need bass tournament boat limits, better regulations, and permits for tracking the number of boats. Lt. Taylor responded that the Recreation Subgroup will be dealing with the tournament bass fishing issue and with the issue of speed limits.

Dick Smith - said he's concerned with wastewater treatment plants and septic systems that are

polluting the lakes. He mentioned House Bill No. 1336, introduced by Representative Kruse, that requires septic systems within 100 feet of a lake to be inspected every two years. He thinks the distance of 100 feet should be increased to 200 feet. Kathy Kurtz (Lake George) said they had inspections done on Lake George, and 200 of the drains were not going into the septic systems. Louis Lash said he knows of a Dayton company that makes a great septic system for \$1,500 or \$2,000. If anyone is interested, contact Mr. Lash.

Velda Dose (Big Otter Lake) - said she is concerned about funneling and congestion on Big Otter and Little Otter Lakes. Mark GiaQuinta responded that this problem is in its infancy and that one reason for the problem is a presumption in the law that favors open access to easements.

Angie O'Neill (Clear Lake) - said her concern is public education of people living on or using lakes who have a 'suburban' attitude. Regarding water testing on Clear Lake, they have a mandatory dye test done every two years. People whose water has problems are turned in to the board of health, and they are generally happy to know about it so they can get it taken care of.

Paul Hollabaugh (Indiana BASS Federation) - wanted to address what Mr. Fibley had said regarding bass tournaments. Mr. Hollabaugh explained how the BASS Federation has made considerable efforts to reduce the impact of bass tournaments on other lake users. These efforts include shuttling anglers from another parking location so they don't fill the entire parking lot, and requiring the boats to idle out of the dock area.

Tom Alberts - wanted to know how much longer until the Work Group will have some results. Senator Meeks responded that a preliminary report is due July 1, and that the Work Group will be very deliberative in dealing with all the lakes issues, so as to produce better results.

Bill Schlatter (President, Lake George Cottage Owners Assoc.) - said he represents 540 property owners and is concerned about water, air, and noise pollution. Lt. Taylor responded that the DNR has addressed the noise issue; all they need is a complaint from the public and they will handle the problem.

Margaret Smith (Chair, Water Quality Commission of Silver Lake) - asked if "T by 2000" is still in effect and what the public access requirements are. Jim Ray (IDNR Soil Conservation) responded that the public access requirements for the Lake and River Enhancement program (LARE) are not as strict as those of the Division of Fish and Wildlife, which require a public access site. The LARE requirements are that the public is not denied access—that they can gain access, even if it is at a privately owned site. Ms. Smith said she is also concerned with wastewater issues.

Bill Thompson (Lake James Association) - said we need legislation to control motor noise; there is currently no effective law. He also said the state should fund lake patrols. Senator Meeks responded that there is a law that addresses the funding of lake patrols. He said the problem is

that there is currently no money available. Mr. Thompson said there is very poor turnout here tonight. He said he wanted the Work Group to know that there is much more interest in lakes issues than what is represented here. Senator Meeks said a news release went out June 4 to the entire northern part of Indiana. He said he can only distribute the news release to the media; he cannot ensure that they distribute the information to the public. Several Work Group members said they had expected more people to show up at tonight's public input session, but that they understood that there is more interest than the actual turnout indicates.

Bill Mattingly (Snow Lake) - said that geese are a big problem for lakes.

Meeting 9, July 16, 1998

Connie Brisbin (Monticello Chamber of Commerce) - thanked Senator Wolf and Representative Leuck for their work on these issues. She said the Chamber is concerned with the publicity on the *E. coli* levels in the lake. She said 22 of the 26 tests were above the accepted levels, and that testing for *E. coli* has been conducted for the past five years, and it has gotten worse. She wanted to know what they should be doing about this. Senator Wolf said there are a lot of agencies that are looking into this, such as the county health department, State Department of Health, DNR, and IDEM. Jan Henley emphasized that it is the responsibility of the county health department to protect the health of the people. Senator Meeks related his experience with the farming community in LaGrange County in similar situations. He suggested involving the local farming community. Richard Kitchell suggested speaking with others who have dealt with similar problems in the Chicago/Indiana Dunes area to see what they recommend. Senator Wolf asked Jan Henley if he would call the local county board of health and offer the state's assistance in this matter. Jan said he would make the call.

Roger Kottlowski (Commonwealth Engineers) - said the Northern Laughery Creek Steering Committee prepared a watershed management plan involving Versailles Lake (Laughery Creek Plan), wherein they had 50 to 60 percent participation of farmers. He recommended the Work Group get a copy of this plan. He said the DNR's Indiana Drainage Handbook is a good tool, but the counties aren't using their drainage boards effectively. He'd like to see a similar handbook developed for best management practices, etc. for lake associations. He suggested the Work Group could help provide funding for demonstration projects of various fabrics used for streambank stabilization. There are many of them on the market and some don't perform as advertised. Someone asked Roger's opinion of the *E. coli* situation. He responded that the 10.2 inches of rain that fell in June may have inflated the numbers. The number of samples taken (26) seemed small to him, and he offered that filter strips may be beneficial in alleviating the problem.

Tom Wagner (NRCS) - said he works regularly at the local level on all of the major issues being addressed by this Work Group, and he has gotten a good response from the agricultural community.

Barbara Hoover (property owner, Lake Freeman) - stated that people and organizations have been putting money into cleaning up the lakes, but why aren't we working to prevent erosion? She said there are no ordinances that address existing erosion problems, only ordinances to prevent new problems. Senator Wolf asked Dennis Forberg (Shafer and Freeman Lakes Environmental Conservation Corporation) to respond to this concern. Dennis said he will only be able to help Barbara if her property is on their rolls, and he will check on this. The corporation is planning to dredge the lake and is putting in silt traps.

Paul DeMarco (Wawasee Property Owners Association) - asked Dale Pershing if the Biology/Chemistry/Shorelands Subgroup has looked into 'cultural eutrophication,' because their group is concerned about human waste dumped from large boats. A study involving anonymous surveys of boaters was conducted. The results did not indicate that there is as much of a problem with this issue as they had thought, but more data would be helpful. Dale said the subgroup had not looked specifically at human waste from boats. Jan Henley said that IDEM has a program for installing pump-out facilities on large lakes, but that people have to use them for them to be effective. Paul said fishing tournaments resulted in a lot of waste in the lakes, and reservoirs allowing more tournaments would reduce a lot of their problems. He also said they want better enforcement. Mark GiaQuinta asked Paul if the Association would support restricting the hours of use for personal watercraft. Paul said they would consider it, and that they would look at any recommendations that were reasonable. Steve Cox said the DNR has means to enforce noise violations, and that the Work Group has discussed trying to get more funding for enforcement. Senator Meeks recalled that public attendees of the Angola meetings said the laws are sufficient; what is needed is more enforcement.

Bob Myers (Wawasee Area Conservancy Foundation) - commended Jed Pearson and the DNR for the study they did on bass. He said tournament fishing is more a social issue than a biological one. They want the reservoirs open to tournaments so impacts are lessened on the natural lakes. He said angler etiquette is better now than it was 10 years ago. He agrees with Gwen White that biologically, reservoirs and natural lakes should be managed differently. Wetlands are critical to the health of lakes—for water quality and for fish structure. We need to protect wetlands by decreasing the impacts of boat abuse. He said we need enforcement; Lake Wawasee has a volunteer lake patrol, but it's not enough. Their Foundation wants a mechanism by which they can hire security personnel—maybe the Work Group could help with this. Bob said the Foundation has met with other groups regarding water quality, and they are getting a lot done, including notch dams, filter strips, etc. He also mentioned an article in *USA Today* on personal watercraft restrictions—banned on Lake Tahoe, hourly restrictions in Minnesota.

Tom and Marge Diener (Diener Seed, Inc.) - said they are farmers, and that Diener Ditch was one of the ditches with high levels of *E. coli*. They are already using sediment traps, no-till planting, and filter strips. He said many farmers in the area have gone to no-till farming. The farmers are willing to cooperate, but they need help.

Patty Herrington (Columbus, OH) - said she has been coming here during summer since she was

7 years old. She said the lake has been here for about 66 years, and people haven't made use of silt traps or put sewer systems in. She said we will end up losing the lake unless people start doing the things that need to be done. It may cost a lot of money, but that's what is needed.

Charlene Herrington (Lake Breeze Property Owners Assoc.) - said local people appreciate what the Work Group is doing, and that we need to all come together like this to solve problems. Senator Meeks said the Work Group will get a copy of the Versailles Lake model and this area could possibly use it.

Jim Brechman (Lake Freeman) - said he has a big silt problem on his property. He doesn't blame the farmers, but the channel is filling in and it's due to agriculture. He said he has also lost two trees and wonders if it is due to chemicals from the farms. His taxes have been raised 200% but he can't use his Shorestation because the water is so shallow. He reiterated that he doesn't blame farmers, but something needs to be done. Senator Meeks suggested he get a DNR permit to clear the channel, or look into the Lake and River Enhancement program. Jim said he can't deal with the drainage board because they are only available during the day, when he is working.

Lloyd Clerget (Secretary, Twin Lakes Sewer District) - said he understands Mr. Diener's frustration, but he thinks people need to keep things in perspective. The lake was created in 1914 and 84 years of damage are not going to be fixed overnight. Hogan's ditch is the biggest source of silt in Lake Shafer—it drains 65,000 acres of farmland. They've had big rains this year which have caused flooding problems. Everyone needs to work together to fix the problem, and it won't happen overnight.

Senator Wolf introduced Dr. Hibner, the White County Health Officer, who she had asked to come give an update on the *E. coli* situation. Dr. Hibner said there is a major *E. coli* problem within Lake Shafer, and that it does pose a risk to public health. The commercial community is in turmoil now, and next Monday there will be a public meeting with the Board of Health. The main problem is with animal contamination, although as commercial development increases, human contamination is becoming more of a problem. The present plan is to place "Swim at Your Own Risk" signs around Lake Shafer to warn people. DNA testing is being done as we speak, and he anticipates that these tests will reveal that the major contamination is by animal wastes. He said this represents a "potential health disaster" and "an immediate crisis."

Ed Grist (Monticello Chamber of Commerce) - said Connie Brisbin covered all the concerns of the Chamber.

Colleen McLaughlin (Monticello area realtor) - said she is concerned about the *E. coli*; these lakes are very important to our livelihood. Mark GiaQuinta offered that those who are concerned meet with their local authorities immediately to discuss the situation and what can be

done.

Meeting 10, August 20, 1998

Linda Baden (Friends of Yellowwood Lake in Brown County) - Yellowwood is one of the most pristine lakes left in the state, and as such, should be preserved as a baseline of information. Yellowwood State Forest, which makes up most of the watershed, is logged. How will the work you're doing address this kind of impact on water quality? In a forested watershed?

Bob Eddleman said that the watershed subgroup will be addressing all impacts on water quality—agricultural and forestry. Gwen White added that the DNR Division of Forestry recently published a handbook of best management practices (BMPs). Linda said that the most recent logging contract on Yellowwood required the use of BMPs, so that is encouraging, but they are still concerned with compliance. Jan Henley said that IDEM had a 319 grant project in Brown and Monroe Counties that was participated in by the USFS, state forest division, and planners in Monroe County. They were looking at forest management practices and they evaluated different logging operators and their practices. They also looked at reforestation practices. They have results of the study and are pleased to share that with the public. Linda said that they are also interested in forming a conservancy district to pursue the idea of getting a no-cut zone in the watershed above the lake. How is this done? Bob Madden responded that conservancy districts are an arm of state government that are established by the local circuit court. He offered to put Linda in contact with the person in state government who can get her a copy of the Conservancy Act. Establishing a CD is a time-consuming operation. It took 4 years to get the Lake Lemon CD established. Linda said that more than 95% of the land in the watershed is state-owned. Would a CD help? Bob Eddleman urged them to work with the local Soil and Water Conservation District to get these practices done. The SWCDs work closely with state and federal agencies. There is a district office in Nashville and a multi-county service office in Bloomington. It's a good place to start.

Earl Riggs (Indiana Lakes Management Society) - Formerly with the Monroe County Lakes Task Force. There is a need for establishing some overall jurisdictional group over Lake Monroe. There are over 30 jurisdictional agencies governing various aspects, and they rarely if ever meet. The COE has jurisdiction over the lake level (goes from 538 - 556 feet above sea level). The DNR Division of Parks and Reservoirs controls the recreation on the lake. They are extremely understaffed. We need more patrols. DNR officers do respond to calls, but they have a very large area to cover. There is no restriction on the boat population which is huge. There has to be a limit at some point. The lake varies from 11,000 to 18,000 acres in size. There are only 3 boat dumping stations, and it is not enough. The lake is vital for economic reasons. 1.5 million visitors a year. 11 water companies take water from the lake. Beaches have been closed on occasion due to E. coli counts. What can we do to help control boats—especially the waste management aspect. Lt. Taylor said that several years ago the Division of Law Enforcement put the scuba team down at the marinas to do dye tests on boats to test their sewage management systems. They could resume that type of testing. Lt. Taylor will take that issue forward. Riggs suggested requiring marinas to require some testing as part of the lease agreement with the state. Lt. Taylor will bring that issue forward in the Work Group and in Law Enforcement. Earl also

asked what could be done to get all the jurisdictional agencies together to talk? Dave Herbst said this situation reminded him of the drainage problem that we had in the state several years ago. The key is to have a neutral facilitator to run the process. Bill Jones added that it is hard to convince a landowner in the far reaches of the watershed that what he is doing is having an impact on the lake. And he may not care. It is a big education problem. We need more cooperation among the jurisdictions to facilitate this cooperation.

Mac Moulden - has lived on Griffey Lake most of his life. It is a small lake (about 1,200 acres). It is adjacent to Indiana University, a coal storage ash pile, a new golf course, and an old shooting range. The university seems oblivious to these concerns. New homes are being built in the watershed on old septic systems that will fail in 5-7 years, and pesticides/fertilizers from the golf course that run over the shooting range may cause the lead in the ground to leech into the water. What is going to happen to the lake in the future? Bill Jones had some information on several of these points. The coal storage ash pile is an industrial urban contaminant. There are BMPs involved to reduce the impacts, and the university has been using them. He has classes that go out twice a year to measure the settling ponds and they have been working fine for the past few years. He and his students are now beginning to do aquatic life studies on Jordan and Griffey Creeks above and below the ash ponds to further analyze the impacts. The university is looking at these things, and it is important that citizens continue to keep an eye on this. As far as the shooting range goes, it is unclear at this time whether they will disturb the soil there. EPA regulations will have jurisdiction in this area, not the university. Bill said that certain local laws (Such as Bloomington city water quality ordinances) do not apply to the university. Is this also the case with state laws? Are state universities exempt from them? Lori Kaplan said that she was not aware of any state laws or regulations that state universities and agencies would not be required to follow. Other Work Group members concurred. Dale Pershing said that a properly managed golf course probably will not cause increased lead mobility in the soil, as long as the chemicals' label directions are followed. He added that more information is probably needed. Jan Henley said that the Office of Water or the Office of Solid and Hazardous Waste could do an inspection and the university would have to comply with the findings. He could take this concern back to the appropriate people.

Richard Martin - Welcome to Bloomington. This meeting will be viewed by many, many people on the public TV channel that is taping it. About five years ago, this meeting would have been packed. At that time, they were doing land use planning for Lakes Monroe, Griffey, and Lemon. Land use regulations went into effect which limited the kinds of uses that could be done in watershed areas. The county has taken a private property owner to court for cutting trees in an undesignated area. They are serious about enforcement. However, the violator is not a local resident and does not know anything about local land use regulations. It is very difficult to get this information to nonresidents. Local government has some capacity to manage local land use through zoning ordinances, land use regulations, etc., but they can only regulate privately held land and city and county land. In their case, about half of their land is state or federal land. It is very difficult to get all those groups together. They have tried, but have had limited success. They are going to try again through a 319 grant and the Coordinated Resource Management

(CRM) process. He is not very optimistic, though, because CRM needs to have the same people involved in the process throughout its duration, and in the political arena, there is high turnover. The same is true of state government agencies. When people turn over, it is difficult to bring new people up to speed. The goal of reaching consensus takes a very long time. It will require some kind of institutionalization to get it done. The Mississippi River flooded several years ago. Because of this, the level of Lake Monroe has been up for several years. The COE is holding more water than before. This is probably because we are not doing a very good job of holding water in other watersheds, so Lake Monroe is having to hold more to “make up for” other watersheds that are not doing their fair share. Recreational users are impacted because beaches are flooded, etc. Finally, he is constantly amazed at the size of the boats he sees on Lake Monroe. At some point, we will have to address the size of boats and the speeds they can run. Wave action is exacerbating shoreline erosion. DNR regulates the number of docks that can be on the lake, but we must come to grips with this issue. Thank you to the Work Group for coming to Bloomington. Senator Meeks gave the mailing address for D.J. Case & Associates as potential meeting facilitators. Bob Eddleman said that Coordinated Resource Management is a great process. He said that Richard should be complimented for pursuing this route. If it is done properly, it cannot fail. It is critical that everyone be committed to success. People must talk about needs, not positions. These are not the same, and too often we take up positions without really considering needs. When all participants consider needs instead of positions, win-win solutions are possible. Lt. Taylor said that there is a history in DNR on the speed issue. 4-5 years ago they did a study on speed, and concluded that a 50 mph speed limit would be about right. However, they didn’t have enough data to support it, so it failed in the House. The Work Group will continue to discuss the speed issue. The size issue is a tough one. The size of boats (width) has continued to increase over the past decade. This has impacts on shoreline erosion, but we don’t have good data. Personal watercraft issue is very volatile. It has been raised at every public meeting.

Bill Hayden (Sierra Club Uplands Group, Izaak Walton League, and Save the Dunes Council) - Bill thanked the Lakes Work Group for the serious approach they brought to their work today. He hopes there is the will to implement Work Group recommendations by the administration and the General Assembly. Glad to see that watershed management is an implicit assumption in Work Group conversations. Since the passage of the Clean Water Act, Indiana has made great progress in the cleanup of industrial pollutions. Now the biggest problem is nonpoint source pollution. Now the state must address nonpoint sources with same vigor as they did with point sources. Reservoirs should be provided all the same protections as other public freshwater lakes in the state. Use of voluntary measures can be made more effective, but only with an increased educational program by an increased number of professional, nontemporary employees to work with landowners on sustained basis. Governor O’Bannon has followed the Bayh Administration in playing smoke and mirrors games with personnel. Positions were frozen under Bayh and eliminated under O’Bannon. IDEM’s nonpoint section has gone from 10 positions to five, even though it is solely funded by EPA grants. IDNR’s T by 2000 fund was never fully funded. It should be. Perhaps a small tax on fertilizers, pesticides, and land application of waste. These are what cause the problems, maybe they should be taxed. There must be better state

management of septic systems, livestock, confined feeding operations, especially near lakes and streams. Need better funding and support for buffer zones, etc. There are limits to the extent that voluntary measures can solve the problems. Enforcement must be there to reach the people who can't be reached by education or incentives. We can no longer tolerate deliberate draining of sewage lagoons into our water bodies. These violations should be treated as criminal felonies instead of civil penalties. These are no longer sufficient. We need an enabling act for multi-jurisdictional entities to form watershed commissions to focus protection/restoration efforts. Thank you for coming tonight, good luck in your endeavors.

Larry Polly (Chairman, Lake Lemon Conservancy District) - Bob Madden is our Manager. The Conservancy Act is difficult to understand. How to get it clarified? Is this done through legal channels? Political channels? DNR? Lt. Taylor - Upon instruction of the Natural Resources Commission, The Advisory Council for the Bureau of Water and Mineral Resources reviewed the act very thoroughly and issued a final report.

Iris Kiesling (Monroe County Commissioner) - Very pleased that the current Board President has taken the initiative to work cooperatively with other jurisdictions on lake issues. The greatest confrontations they have had in this area have always had to do with water. She thanked the Work Group for coming to Monroe County.

Meeting 11, September 21, 1998

Public input received prior to the meeting was reported and discussed.

Bob Myers of the Wawassee Area Conservancy Foundation had phoned in the following concerns:

- Bob said he had asked the Recreation Subcommittee to find out the legal definition of the shoreline in the case of wetlands along shore. For example, if significant and valuable wetlands extend beyond the actual shoreline, does the 200-foot limit still apply?
Lt. Taylor said that the legal definition of the shoreline was clear, and that the presence of wetlands did not alter it. Protection of such wetlands may require changes to Title 14 (may require legislation). This issue is being considered by the Biology/Chemistry/Shorelands Subgroup and the Recreation Subgroup.
- The Wawassee Area Conservancy Foundation is considering putting out "educational buoys" that say Fish Nursery, etc. to protect these wetlands. A local conservation officer in the area said he won't enforce it. Is that the official position of the Division of Law enforcement?
Lt. Taylor said that conservation officers can only enforce existing laws, and educational buoys are not covered.
- They'd like to see the same rules applied to reservoirs as are applied to natural lakes.
- More enforcement of existing laws instead of new laws.
- People with big sleeper boats are anchoring within 200 feet of shore on Wawassee and spending the entire weekend without moving the boat. Is this legal?
Lt. Taylor said that it depends on individual circumstances, but in general, if the people stayed in possession of the boat for the weekend, they would not be breaking the law.

“Mooring” their boat (i.e., taking up residence) would be illegal. Individual circumstances would have to be considered. This issue will be addressed in the Recreation Subgroup.

Phil distributed a letter from David Culp concerning the fishing study done by DNR (Jed Pearson). Jed said that copies of the report that David was referring to are available if anyone is interested.

Meeting 12, October 26, 1998

Prior to the meeting, Bill Jones received a call from Kathy Kurtz of Lake George. She said they had had a great experience with state revolving funds and would be willing to share their experience with other lakes that might be interested.

Meeting 13, December 2, 1998

Dan Pardue (president of the 3,400-member IN BASS Federation) - spent time in tournament advisory committee during the summer, and the final recommendation of the committee was to open reservoirs for bass tournaments, but it has not been done. Can the Work Group help? The issue was referred to the Recreation Subgroup.

Meeting 14, January 25, 1999

Senator Meeks received a letter from three lakes associations. He passed the letter along to DJCA who assigned it to the Biology/Chemistry/Shorelands Subgroup.

Meeting 15, February 22, 1999

Kathy Kurtz (Lake George) - State Revolving Fund could be improved. She has some ideas about this and will attend a subgroup meeting today if that is appropriate.

Jeff Krevda - wanted input on the letter he sent to the full group. He thinks organization of the agencies is the problem. In the current system, the confusion is unbelievable. In many cases, agencies are working at cross purposes. The resource is in danger.

Bob Madden - agrees with the letter. Dave Herbst brought this issue up a long time ago. However, reorganizations that result in loss of jobs are difficult. Making changes without job loss would be good. He would support what Jeff said in the letter and thinks we should do something.

Joie Winski - agrees we should remove the politics from the system, but doesn't believe the new agency director should be an elected position, because the person may not be qualified for the job. The Work Group needs to specify that the Director should have certain credentials.

Garry Tom - agrees with most of the letter, but not with creating a new agency. The resulting power struggle would be destructive. Maybe some combination of agencies is what is needed.

Bob Madden - this is a huge issue, and the Work Group's plate is already full. Thinks the Work Group should make a recommendation that a forum be developed to deal with this issue specifically.

Lt. Taylor - appreciates what the letter is saying, but doesn't think politics is the root of the problem. Politics is the safety valve. It's similar to the legal system—it is a strength and a weakness. He thinks we're moving forward, and felt "reborn" at the last meeting. The issues are becoming much clearer now than before. DNR does not have the authority it needs to protect all the lakes. Jeff has articulated the group's frustration. But we've come a long way and we're making progress. Perhaps we need to get the various agencies to work more closely together. Perhaps we need to create another group to facilitate this. Overall, DNR has done a good job at managing the lakes. Finds it interesting that certain agencies have jurisdiction over the land, down to the water's edge, and other agencies have jurisdiction over the water, and most of the problems we've identified occur at the water's edge—where the water meets the land. Perhaps there is a connection here.

Dale Pershing - Dave Herbst had this same concern many meetings ago, so how should we address it?

Senator Meeks - he's been talking about this since the beginning. The people of Indiana expect us to reach some meaningful conclusions. There are so many entities involved, that a reorganization may create a fight among the agencies at the expense of the citizens. However, if that is the will of this Work Group, he will champion the issue in the next legislative session. At very least it will create dialog about the issue. Overall, he believes this committee can and will develop some good solutions. The question is how to keep it from sitting on a shelf.

Dave Case - this is a frustrating process because the issues are complex. You're doing exactly what needs to happen. If it was easy, someone else would have done it already. Encouraged everyone not to get frustrated.

Tom McComish - thinks the Groups will get some things done. Some subgroups are making incredible progress. Boiling this stuff down into "points" is very hard because the issues are so complex. He absolutely agrees with Bob Madden that this issue is huge and beyond the scope of this Work Group. Maybe we should recommend another Work Group to deal with it.

Senator Meeks - can request a time extension for this Group if we need more time to deal with this issue. He has until April to request an extension. We need to decide at the March meeting.

Bob Eddleman - in many places, the permitting agencies should be involved in planning, and when plans are signed, appropriate permits should be granted.

Kathy Kurtz (Lake George) - they dealt with 33 different agencies and units of government in order to get sewer system installed on their lake, and the DNR was the best of them all. Water

quality should be DNR's domain.

Meeting 16, March 24, 1999

Paul Demarco (Lake Wawasee) - thanked Work Group for the opportunity to speak. He referred to the issue on page 14 of the B/C/S recommendations that were sent out on 3-5-99. Any decision that impacts Indiana lakes should involve a lot of public input, especially including lake associations. They are a great resource and can be a good ally. The public needs to understand the issues. The 10' rule would impact a lot of lakes. He gave us a list of questions to be addressed by the appropriate subgroups. DJCA will distribute this to the Work Group. Need to involve all Lake Associations. They will help however they can.

Dick Barnett (Big Barbee Lake) - deterioration he has seen on Big Barbee Lake is incredible. Lakes are overused. His lake is about 304 acres, and it can't stand the pressure. Skiing is going on 14 hours a day. He understands eutrophication, and we are speeding up the process by decades if not centuries. Need two things: (1) boating hours (for high-speed boats); and (2) high-water, no-wake restrictions. He understands that this Work Group is trying to do things by consensus, but warned that it might have negative results. Margaret Thatcher said: "Consensus is the negation of leadership." Don't let consensus process dull the need for doing the right thing.

Meeting 17, April 21, 1999

There was no public testimony given at this meeting.

Meeting 18, May 19, 1999

Everett Lianhart (Indiana Lake Management Society) - recommendation #44 talks about an Indiana Lake Council. What will its function be?

He was told that this recommendation was sent back to 2 subgroups for more work.

He said this should be ILMS' responsibility. He would like to work with the Work Group to merge together into this Indiana Lake Council.

Bill- it is not our idea to establish a separate entity. This Council would include representation from ILMS and other appropriate groups to carry on the work of the Work Group.

George Edwards (President, ILMS) - the group now has more of a grass roots representation than it used to (it used to be dominated by academia). At their last meeting, they talked about putting the good work the Lakes Work Group has done to use. You've done good work. Let's keep it going.

Pete Hippensteel (Professor of Biology, Tri-State University) - wants to thank the Work Group for its effort and commitment to this project. I appreciate your progress. It must be a full partnership of the public, local governments, DNR, etc. It must have a watershed approach.

Meeting 19, June 14, 1999

Robert Knudsen (Wawasee Area Conservancy Board and Arrowhead RC&D) - I came to listen

and enjoyed your meeting. Keep up the good work.

Robert Busch - we have a 60-acre farm on Dewart Lake. It's worth \$1,200 per acre. Now the state is buying it and we're losing the tax base.

Betty Busch - I enjoyed being here.

David Culp - I wasn't able to hear everything that was said today. On #15, did Jed or Lt. Taylor say they weren't interested in controlling boating?

Lt. Taylor - This is part of the boating code, but it can override existing statutes. It allows DNR to set a zone based on safety or biological needs.

David Culp - Lakes over 300 acres cannot vote to implement zones. Is it clear who would enforce these?

Lt. Taylor - Police officers.

David Culp - are there different rules for reservoirs, or does this apply to them too?

Lt. Taylor - reservoirs are public waters, but not public freshwater lakes, so this will not apply much to reservoir law. It really affects DNR's ability to do some of the same positive things on public freshwater lakes that it currently does on reservoirs.

David Culp - what is the difference between reservoirs and public freshwater lakes?

Lt. Taylor - lakes that are glaciated and utilized by the general public are public freshwater lakes. Reservoirs are lakes that are created and the land underneath it is owned by some entity and sometimes leased to the DNR.

David Culp - in reservoirs, the land under the water is privately owned and leased to the DNR. But that is not the case for public freshwater lakes.

Tina Hisson (Lake Maxinkuckee Environmental Council) - I just wanted to observe.

Paul Demarco (Wawassee Property Owners Association) - submitted a packet for consideration to the work group. One was on buoys. He refers to May 19 draft of recommendations in his packet. He would like the work group to read them and consider them. They strongly support what this group is doing. Thanks.

Dave Lichtenauer (President, Wawassee Property Owners Association) - we're glad to have you in our home area. It takes a lot of time, and we appreciate your efforts. My only question is about bass tournament fishing. Two things came from it: decrease in creel limit and increase in size of keepers. We think that 63 bass tournaments in one season is too many. We are bearing too much of the brunt of this tournament thing. We need your help.

Bob Madden - how many boats in a typical tournament?

Dave Lichtenauer - there are 40-80 boats, 2 people per boat, prize money from 2,000 - 10,000. Many are from out of state. Please look over the recommendations we have submitted.

Al Campbell (Board member, Wawassee Area Conservancy Foundation) - glad you are here.

Ginny Lambright (Syracuse Park Board and Syracuse Lake Association) - I've never been to a meeting like this. I am here for information. To the park board, the money coming in from tournaments is great. But dead fish turning up after a tourney indicates something is wrong. I am so glad you are here.

Bob Myers (Chair, Wawassee Area Conservancy Foundation) - I am glad to have you here. The tour boat leaves tonight at 6 p.m..

Mike Goldman - when DNR decides that certain areas are unsafe for high speed boating on reservoirs, is there a requirement for public hearings, etc.?

Lt. Taylor - yes. Part of the reason it was put into the code was to ensure due process.

Mike Goldman - what constitutes a public hearing?

Lt. Taylor - DNR recodifies rules every 2 years. Reservoir managers decide what they think the rules should be, and these are placed in a package of rules to be considered in the public process. Rules that impact individual property owners go out for review individually, because in those cases, the owners have greater standing, whereas in reservoirs, the state has greater standing.

Mike Goldman - is this an onerous burden on the state?

Jed - it works okay, and it ensures that the whole public has input and gets their concerns aired.

Jack Arnett (President, Syracuse Lake Association) - all of us here are concerned about the same things. It's the same water. We need your help on some of these issues.

Dave Lichtenauer - we did a survey and asked: If a buoy line was established, and there was no law to govern it, would you respect it? 13% said no, 40% would respect it, others are undecided. We will get you a copy of this survey when the data analysis is completed.

Dave Culp - the bass study was completed 2 years ago. They said they would have another one, and I hope they do that. Who determines the policy on conservation? Bass tournaments kill about 38% of the bass that are killed on Wawassee, yet the bass anglers represent less than 1% of the total anglers on the lake. The policy needs to be a public policy. There needs to be public input in the setting of this policy.

Dave Lichtenauer - residents of Indiana were just warned today about mercury in fish in Indiana public lakes.

Bill - there are consumption advisories put out every year in Indiana. Maybe they were referring to this. The mercury limit has been lowered, so it may look like more lakes are affected.

Bob Fanning (Vice-chair for Wawassee Area Conservancy Foundation) - regarding recommendation #4, is this the area where a general permit for placing rock in front of seawalls to

reduce reflective wave action would be appropriate?

Gwen - this is being handled internally in DNR. A rule is going through the process right now.

Bob Fanning - we can show you areas on our trip tonight.

Jed - concerning the fish advisories: aside from the health concerns, it is the policy of DNR Fish and Wildlife to encourage people to eat fish, where appropriate. Some fish are rare and should be preserved, but most are encouraged to be eaten.

Bill - pointed out a poster announcing lakes appreciation week June 27-July 4. This will be an annual event. Gov. O'Bannon signed a proclamation to this effect.

Meeting 20, July 28, 1999

There was no public testimony given at this meeting.

Meeting 21, August 18, 1999

Al Schnelker and Pat Casey (Indiana Marine Trade Association) - we want to sit in today and pick up some of the essential knowledge we need to deal with these issues.

Meeting 22, September 28, 1999

Jeff Krevda spoke as a member of the public. He referred to the packet of information from Commonwealth Engineers that was distributed with the last mailing: "The issues raised here are very serious. Most of the dredging jobs I do will not pass the test parameters being used by IDEM right now. IDEM is trying to work on resolving this situation, but if these standards for return water are not changed, hydraulic dredging is no longer an option. My well water will not even pass the standards being used right now. Another problem is that NPDES permits can take a lot longer to get than the other permits, so that can really hold up the whole process. I would like to see a recommendation come from this Work Group to address this situation. I will abstain from this discussion, because it could be seen as a conflict of interest."

Dave - we will treat your comments like any other public member that speaks to the group. I will put this issue on a list of other items to be addressed when we get through the rest of the agenda.

Jeff - Commonwealth Engineering is working with IDEM and the Corps right now. We just need this to be a cooperative effort.

Bill Jones offered to craft a recommendation concerning dredging that will incorporate item g from #18 as well as this issue.

Meeting 23, October 26, 1999

There was no public testimony given at this meeting.

Meeting 24, November 18, 1999

There was no public testimony given at this meeting.